

REMARKS

In light of the remarks to follow, entry of this response and reconsideration and allowance of this application are respectfully requested. Claims 1 and 12 have been amended in an effort to advance prosecution of the present application quickly towards allowance. Claims 1-34 are presently pending in this application, and are believed to be in condition for immediate allowance.

Claims 1-34 are rejected as being anticipated by U.S. Patent No. 6,371,957 to *Armein et al.* This rejection is respectfully traversed.

Contrary to the Examiner's assertions, it is respectfully submitted that *Armein et al.* do not disclose each and every element of the claims, as amended, as required by 35 U.S.C. § 102(b).

The independent claims of the present application claim a connector having an inwardly deformable portion for receiving the head of a bone fixation member and a seat, which is integrally formed with the connector. Thus, the seat is one portion which is coupled with both the inwardly deformable portion and a U-shaped opening portion to form the connector which holds the bone fixation member in place. The present invention, as the independent claims recite, requires only the connector and a locking member which clamps the deformed connector in place around the bone fixation member.

These elements are not found in *Armein et al.* since *Armein et al.* require an additional body 3 to secure a bone fixation member. *Armein et al.* include a collet chuck 7 which has tongues 8 shaped to secure the spherical head 9 of the bone fixation member within the tongues 8. The tongues 8 of the collet chuck 7 are deflected inward, thus securing the bone fixation member. However, this only occurs through interaction with an additional element, a body 3, which forces the tongues 8

inward when the set screw 12 is tightened. The body 3 slides over the outer surface of collet chuck 7 such that when the set screw 12 is tightened, the collet chuck 7 is drawn up into the body 3, thereby compressing the tongues 8.

The rod 1 in *Armein et al.* bears against the additional component - - i.e., the body 3. The rod 1 does not bear against the collet chuck 7 which might be considered the equivalent of the connector in the claims. The rod 1 must bear against another component which causes the force. The connector opening or the seat thereon is not contacted to cause this force. Claim 1 references the load placed on the seat of the connector by the connecting rod, and claim 12 goes even further by referencing the exertion of a force by the connecting member against raised ends of the seat. No additional component is required at this interface (through other components as part of the system might be included within a device that comes within the scope of these claims - - e.g., a component which is between the connecting member and the connector to exert the force on the connector).

Thus, in *Armein et al.*, the bone fixation member is secured through the interaction of the body 3, the set screw 12, and the collet chuck 7. In the present invention, the bone fixation member is secured through the interaction as set forth above - - i.e., without additional components - - to cause the force which deflects the cover portion of the connector. The present invention does not require an additional element, i.e., body 3 in *Armein et al.*, to secure the bone fixation member.

Therefore, based on the prior art reference cited, the claims of the present application, as amended, are not covered by the prior art. *Armein et al.* do not disclose each and every element found in the present invention, and thus cannot anticipate the present invention. Accordingly, Applicants

respectfully request the Examiner to review and withdraw the rejection under 35 U.S.C. § 102(b).

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

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